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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,500	06/19/2001	L. Douglas Everhart	53470.003038	8689
21967	7590	07/20/2006	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			STORK, KYLE R	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,500

Applicant(s)

EVERHART ET AL

Examiner

Kyle R. Stork

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This final office action is in response to the amendment filed 7 June 2006.
2. Claims 1-20 are pending. Claims 1, 6, 11, and 16 are independent claims.

### ***Claim Objections***

3. Claims 1-20 remain objected to because of the following informalities: Claims 1, 6, 11, and 16 recite limitations which may be performed. For example, the applicant claims that, "each of the inner and outer prompt objects is usable more than once in a single report or is usable in more than one report and answers to the prompt object are storable in association with the prompt object for later retrieval (claim 1, lines 10-12). These limitations are not positive limitations, in that the system is not required to perform such operations, merely that the system is capable of performing the limitation. The limitation of being "usable" and "storable" do not require the functions of using and storing to occur, instead simply requiring the system to be capable to perform such functions. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Yost et al. (US 6154766)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per independent claim 1, Yost discloses a reporting system for creating a report wherein the report may specify one or more prompt objects as properties of the report comprising:

- An inner prompt object comprising a first question to be asked of a user and at least one validation property (Figure 3, item 116; column 10, lines 62-67: Here, the service to be monitored is the first question, which is validated by the user identifying one of the services from the object browser or service queue)
- An outer prompt object comprising a second question to be asked of a user and at least one validation property (Figure 3, item 118; column 11, lines 1-17: Here, the type of service is the second question, which is validated by the user selecting from either scheduled service or alert service.)
- Wherein the inner prompt object is nested within the outer prompt object (Figure 3), and wherein each of the inner and outer prompt objects is an object separate

in object oriented programming terms from the report in which it is contained such that each of the inner and outer prompt objects may be used more than once in a single report or may be used in more than one report and answers to the prompt objects may be stored in association with the prompt object for later retrieval (claim 1: Here, the personalization information that is entered by a user to answer the prompts presented in Figure 3. This personalized information is then stored for the subscriber, wherein the personalized information can be routed to processing systems that apply the personalized information entered in the prompts to generate multiple outputs for a user. The prompts that are used to create the personalized information are analogous to the prompt object because these prompts objects are stored, separate from the report, and are passed to an output (report) generator in order to create the subscribed to output (report); column 11, line 1- column 12, line 35: Here, the objects that are accessed for selection of type of service, service duration, and schedule for service are objects in object oriented programming terms, in that the object is able to be accessed multiple times independent of the outer prompt object)

As per dependent claim 2, Yost discloses the system further comprising:

- A first answer provided by a user to the first question of the inner prompt object (column 10, lines 62-67)
- A second answer provided by a user to the second of the outer prompt object (column 11, lines 1-17)

As per dependent claim 3, Yost discloses the system wherein the first answer to the first question of the inner prompt serves as a validation property to the second answer to the second question of the outer prompt (column 12, lines 6-14: Here, the user has the choice of having the personal settings stored in order to update preferences at a later time. These stored properties would then become the default validation properties when a user subscribed to or cancelled existing services).

As per dependent claim 4, Yost discloses the system wherein the inner and outer prompt objects are embedded in a draft prompt (Figure 3: Here, the item 116 is the inner prompt while item 118 is the outer prompt. These items are further embedded in the draft prompt that contains prompts for selecting duration, schedule, content, and personalization).

As per dependent claim 5, Yost discloses the system wherein the inner prompt is used as part of a definition of a plurality of outer prompts (column 12, lines 6-14: Here, the answer to the inner prompt is used in the personalization of content for item 124).

As per independent claim 6, Yost discloses the method of creating a report to be executed on a reporting system comprising the steps of:

- Selecting a template with one or more template properties (column 6, lines 34-45)
- Selecting a filter with one or more filter properties (column 6, lines 34-45)
- Specifying one or more of the template or filter properties with an inner prompt object and an outer prompt object (column 6, lines 34-45; Figure 3)

The applicant further recites the limitations similar to those disclosed in claim 1. Claim 6 is similarly rejected under Yost.

As per dependent claim 7, the applicant discloses the limitations similar to those disclosed in claim 2. Claim 7 is similarly rejected under Yost.

As per dependent claim 8, the applicant discloses the limitations similar to those disclosed in claim 3. Claim 8 is similarly rejected under Yost.

As per dependent claim 9, the applicant discloses the limitations similar to those disclosed in claim 4. Claim 9 is similarly rejected under Yost.

As per dependent claim 10, the applicant discloses the limitations similar to those disclosed in claim 5. Claim 10 is similarly rejected under Yost.

As per independent claim 11, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 6. Claim 11 is similarly rejected under Yost.

As per dependent claim 12, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 7. Claim 12 is similarly rejected under Yost.

As per dependent claim 13, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 8. Claim 13 is similarly rejected under Yost.

As per dependent claim 14, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 9. Claim 14 is similarly rejected under Yost.

As per dependent claim 15, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 10. Claim 15 is similarly rejected under Yost.

As per independent claim 16, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 1. Claim 16 is similarly rejected under Yost.

As per dependent claim 17, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 2. Claim 17 is similarly rejected under Yost.

As per dependent claim 18, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 3. Claim 18 is similarly rejected under Yost.

As per dependent claim 19, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 4. Claim 19 is similarly rejected under Yost.

As per dependent claim 20, the applicant discloses the processor-readable medium comprising code for execution by a processor of the method of claim 5. Claim 20 is similarly rejected under Yost.

### ***Response to Arguments***

6. Applicant's arguments filed 7 June 2006 have been fully considered but they are not persuasive.



With respect to claim 1, the applicant argues that Yost fails to disclose “each of the inner and outer prompt objects in an object separate in object oriented programming terms from the report in which it is contained (page 8).” The applicant states, that because, “Yost prompts a user for information before a service is identified by the user, and hence before identifying the included one or more reports that are scheduled to be run (page 9).” The applicant is correct in asserting that the user provides information to the prompts prior to the service being initiated. The user selects an answer to a first prompt object (Figure 3, item 116), then subsequently selects an answer to a second prompt object (Figure 3, item 118). Because these are determined prior to scheduling a report, the prompt objects are separate from a report in which it (the data) is contained.

With respect to claim 3, the applicant argues that the examiner has relied upon improperly selected differing sections teaching using personal settings and validation properties (page 11). However, the examiner respectfully disagrees. The selection of personalization is the final step in the creation of services containing prompt objects (Figure 3; column 5, lines 45-47). Upon completion of this step, the service may be stored in a service definition module, which enables a user to retrieve predefined services or to subscribe to services through the interface module (column 12, lines 11-14; Figure 1, item 42). This services are stored, and may be modified (column 7, lines 43-49). Therefore, the previously stored services, prior to modification, would become the default validation properties when a user modified services.

Further, the applicant argues that Yost fails to disclose wherein an inner prompt serves as a validation property of an outer prompt (page 11). However, Yost discloses where an alert service is selected, a template/filter may also be selected for the report (column 11, lines 1-17). In this instance, based upon the response to the selection of service (an inner prompt), the user is presented with another question (outer prompt).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**PRIMARY EXAMINER**